

Senate File 157 - Introduced

SENATE FILE 157

BY DANIELSON

A BILL FOR

1 An Act providing for a process for seeking a waiver of rules
2 promulgated by the director of the Iowa law enforcement
3 academy.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 80B.11, subsection 1, Code 2011, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *m.* A process for issuance of an order
4 granting or denying a waiver in whole or in part of a rule
5 promulgated by the director pursuant to this subsection,
6 in response to a petition by a person seeking a waiver. A
7 decision to grant or deny a waiver shall be based on one or more
8 of the following considerations:

9 (1) The application of the rule would impose an undue
10 hardship on the petitioner.

11 (2) The waiver from the requirements of the rule in the
12 specific case would not prejudice the substantial legal rights
13 of any person.

14 (3) The provisions of the rule subject to the petition for
15 a waiver are not specifically mandated by statute or another
16 provision of law.

17 (4) Substantially equal protection of public health,
18 safety, and welfare will be afforded by a means other than
19 that prescribed in the particular rule for which the waiver is
20 requested.

21 (5) The petitioner is able to demonstrate that the
22 petitioner will have satisfied the requirements of the rule by
23 the time the petitioner's training at the academy is completed.

24 (6) The requirements of the rule are not specifically
25 required by a law enforcement agency that either intends to
26 hire or has hired the petitioner as a law enforcement officer.

27 An order granting or denying a waiver shall clearly
28 articulate the facts and reasons upon which the decision to
29 grant or deny the waiver was based. An order denying a waiver
30 shall also clearly articulate steps the petitioner may take to
31 qualify for a waiver or to meet the requirements of the rule in
32 the future. Appeal of a decision to deny a waiver may be taken
33 in accordance with chapter 17A.

34 EXPLANATION

35 This bill requires the director of the Iowa law enforcement

1 academy to adopt rules establishing a process for granting
2 or denying a waiver of a rule promulgated by the director if
3 petitioned by a person seeking a waiver. The bill provides
4 that a decision to grant or deny a waiver will be based on one
5 or more considerations as specified in the bill. The bill
6 provides that such an order will clearly articulate the facts
7 and reasons upon which a decision to grant or deny a waiver
8 was based. The bill provides that such an order will also
9 clearly articulate steps the petitioner may take to qualify for
10 a waiver or meet the requirements of the rule in the future.
11 The bill provides that appeal of a decision to grant or deny a
12 waiver petition may be taken in accordance with Code chapter
13 17A, the Iowa administrative procedure Act.